

IN THE UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF GEORGIA

VALDOSTA DIVISION

**In re: Debbie J. Cooper,
Debtor,**

* **Chapter 13**
* **Case No.: 11-70910**

**Kristin Hurst,
Trustee.**

*

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Motion for Modification of Plan Before Confirmation

Comes now, Debbie J. Cooper, Debtor in the above-captioned case, under the authority of Section 1323 of the Bankruptcy code, and files this her Motion for Modification of Plan Before Confirmation and respectfully shows to the Court the following:

Debtor withdraws her Chapter 13 plan filed in the above-referenced case and hereto files, and substitutes in lieu thereof, a new plan to add a claim for Caroline K. Minton for a 2001 GMC to be paid under the plan, with a monthly payment of \$63.00 per month. The Debtor's monthly plan payment will remain the same. A copy of the new plan is attached.

After notice and opportunity for objections, the new plan should become the Debtor's plan.

Wherefore Debtor prays that this Motion for Modification of Plan Before Confirmation be approved.

Respectfully submitted:

/s/ Franklin D. Hayes

Franklin D. Hayes
Attorney for Debtor
P.O. Box 2377
Douglas, GA 31534
(912) 383-6132
Ga Bar No.: 339910

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**In re: Debbie J. Cooper,
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**Kristin Hurst,
Trustee.**

Certificate of Service

I, Franklin D. Hayes, attorney for Debtor, Debbie J. Cooper, do hereby certify that I have this day served a copy of the foregoing **Debtor's Modification of Plan Before Confirmation** upon:

Kristin Hurst
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902

All Parties Listed on the Creditor Matrix

by mailing a copy of same to them via First Class mail in properly addressed envelopes with postage sufficient to cover the cost of the same.

This 22 day of September, 2011.

/s/ Franklin D. Hayes
FRANKLIN D. HAYES
Attorney for Debtor
P.O. Box 2377
Douglas, Georgia
(912) 383-6132
GA Bar No: 339910

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Verification

I, Debbie J. Cooper, Debtor in the above-styled action, personally appeared before the undersigned officer duly authorized to administer oaths, and after being duly sworn, do hereby certify that the facts contained in the foregoing **Debtor's Modification of Plan Before Confirmation** are true and correct to the best of my knowledge.

/s/ Debbie J. Cooper
Debbie J. Cooper

Sworn to and subscribed before me this
15 day of September, 2011.

/s/ Angie Hayes
Notary Public, State of Georgia
My commission expires: 3/2/12

DEBTOR **Debbie J. Cooper**

* Chapter 13
 * Case No. **11-70910**

CHAPTER 13 PLAN, amended

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the trustee the sum of **\$235.00 Monthly for 57 months**.

2. From the payments so received, the trustee shall make disbursements as follows:

(a) The trustee percentage fee as set by the United States Trustee.

(b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER PLAN	MONTHLY PAYMENT AMOUNT
-NONE-		

(c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
Caroline K. Minton	\$20.00
WALKER JONES CHEVROLET	\$29.00

(d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)

NAME OF CREDITOR	AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
-NONE-				

(e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
Caroline K. Minton	\$3,150.00	4,000.00	5.00%	2001 GMC	\$63.00
WALKER JONES CHEVROLET	\$4,900.00	5,700.00	5.50%	04 Chevrolet	\$98.00

(f) *Attorney fees ordered pursuant to 11 U.S.C. §507(a)(2) of \$ **3,000.00** to be paid as follows:

Pursuant to the Current Administrative Order on Attorney Fee Awards	MONTHLY PAYMENT AMOUNT

(g) After the above are paid, distributions will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

NAME OF CREDITOR	ESTIMATED AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL
AMERICAN HOME MORTGAGE SERVICING	\$2,056.00	\$70,000.00	0.00%	45 Happyville Lane, Homerville GA

(h) The following collateral is surrendered to the creditor:

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
-NONE-	

(i) The following domestic support obligations will be paid over the life of the plan as follows: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will include interest at the rate of %.(If this is left blank, no interest will be paid).

NAME OF CREDITOR	PAYMENT AMOUNT
-NONE-	

(j) The following unsecured claims are classified to be paid at 100%. These payments will / will not be made simultaneously with payment of the secured debt:

-NONE-

(k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law.

(l) The debtor(s) will be the disbursing agent on the following debts:

AMERICAN HOME MORTGAGE SERVICING

(m) Special provisions:

ASPEN/FB&T - Avoid Lien

CLINCH COUNTY SUPERIOR COURT - Avoid Lien

MIDLAND CREDIT - Avoid Lien

SECURITY FINANCE - Avoid Lien

Sunbelt Credit - Avoid Lien

Attorney fees will be paid under the plan. Debtor requests a payroll deduction be sent to Clinch Memorial Hospital P.O. Box 516, Homerville GA 31634. Secured claims will be paid a rate of 5.5% unless noted. All property of the estate, whether in the possession of the trustee or the debtor, will revest in debtor upon confirmation pursuant to 11 U.S.C. §1327(b).

(n) Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative, debtors will pay the highest of the three)

(i) Debtor will pay all of his disposable income as shown on Form B22C of \$0.00 to the non priority unsecured creditors in order to be eligible for a discharge.

(ii) If the debtor filed a Chapter 7 case, the priority and other unsecured creditors would receive **\$0.00**. Debtor will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge in this case.

(iii) The debtor will pay **\$0.00** to the general unsecured creditors to be distributed prorata.

(o) General unsecured creditors whose claims are duly proven and allowed will be paid:

(1) 0 % dividend as long as this dividend exceeds the highest amount, if any, shown in paragraph (n)(i), (n)(ii), or (n)(iii), and the debtor pays in at least 36 monthly payments to be eligible for discharge.

(2) the debtor(s) will make the payments for _____ months and anticipates a dividend of _____, but will also exceed the highest amount shown in paragraph (n)(i), (n)(ii) or (n)(iii) above.

(p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to the court's jurisdiction, notwithstanding §1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the trustee shall remain in the possession of the debtor. All property in the possession and control of the debtor at the time of confirmation shall be insured by the debtor. The chapter 13 Trustee will not and is not required to insure such property and has no liability for injury to any person, damage or loss to any such property in possession and control of the debtor or other property affected by property in possession and control of the debtor.

(q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

Date September 15, 2011

Signature /s/ Debbie J. Cooper
Debbie J. Cooper
Debtor

*If debtor's attorney wishes to be paid according to the Court's administrative order on attorney's fees include the phrase "pay according to the administrative order" in the blank space and make no other payment provision.

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Trustee.**

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Notice of Debtor's Motion for Modification of Plan Before Confirmation

Debbie J. Cooper, Debtor in the above-captioned case, having filed papers with the Court to modify his/her Chapter 13 Plan before Confirmation.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to Modify the Plan, or, if you want the Court to consider your views on the Motion for Modification Before Confirmation, then you or your attorney must file with the United States Bankruptcy Court, P.O. Box 2147, Columbus, Georgia 31902 (706) 649-7837 a written objection within twenty (20) days of the date of this Notice and attend the confirmation hearing scheduled to be held at October 25, 2011 @ 12:00 PM, U.S. Courthouse and Post Office Building, N. Patterson Street, Valdosta, Georgia 31601.

If you mail your objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Any objection must also be mailed to the moving party and upon all other persons indicated on the certificate of service attached to this pleading.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion/Objection and may enter an order granting that relief.

This 22 day of September, 2011.

/s/ Franklin D. Hayes

Franklin D. Hayes

Attorney for Debtor

P.O. Box 2377

Douglas, GA 31534

(912) 383-6132

Ga Bar No.: 339910

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Trustee.**

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Certificate of Service

I, Franklin D. Hayes, attorney for Debtor, Debbie J. Cooper, do hereby certify that I have this day served a copy of the foregoing **Notice of Debtor's Modification of Plan Before Confirmation** upon:

Kristin Hurst
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902

All Parties Listed on the Creditor Matrix

by mailing a copy of same to them via First Class mail in properly addressed envelopes with postage sufficient to cover the cost of the same.

This 22 day of September, 2011.

/s/ Franklin D. Hayes
FRANKLIN D. HAYES
Attorney for Debtor
P.O. Box 2377
Douglas, Georgia
(912) 383-6132
GA Bar No: 339910

AMERICAN HOME MORTGAGE SERVICING

P.O. BOX 1730

Irving, TX 75063

ASPEN/FB&T

P.O. BOX 105555

ATLANTA, GA 30348-5555

American Home Mortgage Servicing Inc

1525 S. Beltline Road Suite 100 N.

Coppell, Texas 75019-4913

CLINCH COUNTY SUPERIOR COURT

P.O. BOX 433

Homerville, GA 31634-0433

COUNTRY DOOR

P.O. BOX 740933

Dallas, TX 75374-0933

Credit One Bank

Post Office Box 60500

City Of Industry, CA 91716-0500

FNCC

500 E. 60TH STREET

Sioux Falls, SD 57104-0478

Fredrick J. Hanna & Associates

1427 Roswell Road

Marietta, GA 30062-3668

G. Moss and Associates

6560 Greenwood Plaza, suite 100

Englewood, CO 80111-4990

MIDLAND CREDIT

5775 ROSCOE CT

San Diego, CA 92123-1356

Mason Shoes

1251 1st Ave

Chippewa Falls, WI 54774-0001

Midland Credit Management, Inc.

8875 Aero Drive, Suite 200

San Diego, CA 92123-2255

PROGRESSIVE INSURANCE

380 INTERSTATE N. PK SUITE 101

Atlanta, GA 30339-2222

(p)SECURITY FINANCE CENTRAL BANKRUPTCY

P O BOX 1893

SPARTANBURG SC 29304-1893

SHERMAN P. ROBIN

P.O. BOX 9541

Savannah, GA 31412-9541

SOUTH GEORGIA MEDICAL

P.O. BOX 0070

Valdosta, GA 31603-0070

U.S. Trustee - MAC 13

440 Martin Luther King Jr. Boulevard

Suite 302

Macon, GA 31201-7987

VERIZON

P.O. BOX 105378

Atlanta, GA 30348-5378

WALKER JONES CHEVROLET

2700 MEMORIAL DR

Waycross, GA 31503-0914

Walker-Jones Financial Services

P O Box 136

Waycross, GA 31502-0136

Debbie J. Cooper

45 Happyville Lane

Homerville, GA 31634-2847

Franklin D. Hayes

P.O. Box 2377

109 S. Madison Avenue

Douglas, GA 31533-5321

Trustee Kristin Hurst

P.O. Box 1907

Columbus, GA 31902-1907

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SECURITY FINANCE Document Page 10 of 10 End of Label Matrix
417 LOTT STREET
Waycross, GA 31501

(d) Submit Credit
636 Plant Avenue
Waycross, GA 31501

Mailable recipients 25
Bypassed recipients 0
Total 25